

Vendors' Conference Follow-up

1. The Court Rules posted on the New Hampshire Judicial Branch website and related to the process for obtaining and/or paying for a transcript will be amended. Representatives from each jurisdiction of New Hampshire court are already considering rule changes; we will promulgate new rules only after we have worked with the successful vendor to develop the specifics of a new transcript production process. Specifically, references to amounts of money to be paid per page of transcript will be changed when we enter an agreement with the successful vendor. One purpose of this project is to open the cost per page to the competitive bid process.
2. One of our goals is to simplify payments for transcripts by establishing a per page rate that will compensate the vendor for providing baseline services in all cases. We will let competitive market forces set that page rate through this RFP. Any additional services needed by a litigant will be billed according to a predetermined fee schedule, also called for in the RFP.

We will contract with a vendor to provide the following baseline services at the page rate that will be set in this competitive bid process:

- a. In appeal cases, four digitally signed copies of the transcript in PDF on CD : one to the trial court, one to the Supreme Court, and one to each of two parties. In addition, the vendor will provide one paper copy of the transcript to the Supreme Court.
- b. In non-appeal cases, three digitally signed copies of the transcript in PDF on CD: One to the trial court and one to each of two parties.

Additional services for which bidders may propose fees will include delivery of additional CD's to additional parties, delivery of additional paper copies to parties, and conversion of the electronic transcript into other formats such as MS Word that might be useful to attorneys and litigants. In other words, we would like to end the current New Hampshire practice of paying the transcriber one rate for the original transcript and a supplemental rate for each copy produced. The vendor will transcribe the court proceeding once and charge a transcription fee that compensates it for the work done. Those who purchase the transcript will be free to reproduce the transcript, at their own expense. In fact, the Court may provide an electronic copy of the transcript to a party or to a member of the public, for a nominal fee.

3. The RFP requires vendors to furnish a performance bond. Because the transcript is critical to the adjudication process in general and the appellate process in particular, we need assurances that arrangements are in place for another firm to assume responsibility for preparing transcripts in the event the successful vendor ceases doing business. A \$100,000 performance bond will satisfy this bid requirement.

4. The RFP requires the successful vendor to furnish a fidelity bond. The successful vendor will hold, in escrow, transcript deposits to secure payment for preparation of approximately 200,000 pages of transcript annually. The New Hampshire Judicial Branch has a responsibility to the depositors to ensure that those funds are properly accounted for and applied to pay for transcript production. It is reasonable to assume that the successful vendor will be holding, in escrow, between \$50,000 and \$100,000 in transcripts at any given time during the term of this contract and a fidelity bond in the amount of \$100,000 would satisfy this bid requirement.

The RFP anticipates that the vendor will hold funds in escrow and that it will be unnecessary to use an escrow service. We will work with the successful vendor to ensure that it uses an accounting system that permits it to properly manage and account for funds held in escrow.

5. The RFP does not specify the term of the agreement between the New Hampshire Judicial Branch and the successful vendor. While this will be the subject of negotiations with the successful vendor, we anticipate negotiating a one-year contract, with provisions for extending the contract.
6. We will open all bids at 4:30 p.m. on Monday, July 31, 2006. If a vendor includes material that he or she considers to be a business secret or otherwise proprietary, he or she may submit that portion of the bid under seal. General Counsel to the New Hampshire Supreme Court will determine whether any sealed material shall be kept confidential.
7. At the Vendors' Conference someone asked how much of our transcript work will be paid for by the Indigent Defense Fund which is managed by an executive branch agency. At that time we estimated that 40% of our transcript pages were paid for through the Indigent Defense Fund. We have since looked at this issue from another perspective and believe that the Indigent Defense Fund paid transcripts may be between 20% and 40% of our total transcript need.

One of the purposes of working with a single vendor is to facilitate collection of information such as the percentage of work billed to the Indigent Defense Fund. This information will help us to better manage transcript production.